

Central MRS Meeting Notes
September 21, 2006
Chatham County Community College

Counties Present: Alamance, Chatham, Cumberland, Durham, Guilford, Mecklenburg, New Hanover, Orange, Rockingham.

Introductions
Announcements
Responsible Individuals List
Foster Care Funding/Relative Care
General Questions

Announcements

- Couple of Work First letters, both admin and Dear County Director, be sure to look at those.
- Will be a Data Warehouse training Thursday October 5th in Raleigh at the CSE Computer Lab. If you can't make it to there, but you can get enough folks and a computer lab, we may be able to bring them a little closer.
 - MRS database will be included in Data Warehouse – no date yet.
- Federal Child and Family Services Review in NC March of 2007. Mecklenburg is always a site, the other two have not been selected yet.
- DHHS website is changing to www.dhhs.gov
 - This will also be how you get to the Division's website: www.dhhs.gov/dss
 - Website not changing, just the bookmark.
- Working at the Division to consolidate the policy manual so there will not be one policy manual and another MRS manual.

Responsible Individuals List

- Terri has kept track of the concerns that have been emailed to her since this started in May. As with anything, there are always growing pains!
- Judges are supposed to be trained by AOC.
- RIL has come about as a matter of Federal Requirements. For details on the process and the appeals, consult the manual.
- Keep in mind that the RIL is a list that may potentially affect their employment – this has nothing to do with them being in the central registry! Don't try to make being on this list be an indication of whether or not they neglected their child.
- Note: Once on the list, an individual is on there forever (from the DSS point of view). The individual can come back after a time (more than the 30 days) and request expunction if they can show it is in the best interest of the child. (Ex: Mom had a SA problem, children were removed, she was put on the list for serious neglect. Several years later, she has been clean for over 2 years, and has a good job offer from someplace that will not hire her because of her being on the list. Her child would be better off if she could get that job and she can document that she has been clean for years.)

Questions:

- 1) What is serious neglect? Definition is broad and vague.
Yes it is broad, but that was intentional so as to give the counties discretion. Looked at what other states had done. These are the cases that whatever happened was serious enough that you would not want the person who committed these acts to be working around children. Some of the types of cases that were discussed with the Directors were: cases with substance abuse and mental health issues, particularly when there is non compliance with treatment. Family violence may result in 'serious'. Not limited to these, and not all these will be, but those were some of the issues that were discussed.
- 2) Authorized Users – when will we be expanding the list? (Schools, Church volunteers)
This will be coming, but it will require legislation and will not be very soon.
- 3) Request for Information form #5268
Will be revising this form to include a place for license number, add language that makes it clear that this is also for foster and adoptive situations.
- 4) Other agencies – private placing agencies, other state agencies.
How many people are authorized to request information?
Black Mtn office has requested it be limited to 1 or 2 per agency.
- 5) Is checking the RIL mandatory?
No, its an optional tool.
- 6) Conflict of interest assessments
The county that conducts the assessment is the one who delivers the notice that someone was placed on the list, and if there is an appeal it goes to the Director of the county who conducted the assessment.
However, if it goes to the judicial appeal, it must be done in the county were the incident occurred, (think of this in terms of law enforcement involvement.)
- 7) Case decision letters
The letters in the manual were samples. You do not have to use them exactly as they are. The samples have a place for you to fill in the exact last date that the person could request a review, but you do not have to put that date. You can say "you have 30 days" The point is to give them adequate notice.
- 8) Filing of criminal charges – does it stay the expunction?
Yes, it will stay the expunction process just like a conviction will. So makes it more important to communicate if this is a cross county case (see number 6 with the difference in who handles the assessment DSS vs law enforcement/courts.) You will still send the letter and if they appeal you tell them that they have to wait until the criminal issues are resolved. If the criminal charges are dropped, they then have 30 days from the date those charges were dropped to make an appeal.
- 9) When you file petition for non secure prior to making case decision what affect does this have?

It forces you to keep 210 open until county adjudication and then your decision must match the courts. In this situation, the individual will have already had their due process in court. Therefore they do not have the 30 day appeal anymore after the decision is made because basically they have already exhausted it (the judge has already agreed with you.) if the judge rules that it was neglect, you will need to have a discussion while you are in court on whether or not it rises to the level of serious neglect. You can send the perpetrator a letter saying they are on the list if you want, but you don't have to, because there will be aware of all of this at the court hearing. It is critical that your county attorney understands this process so that they can guide the process in court in case it is new to the judge. (This is on page 10 of the RIL policy manual.)

Suggestion was made that it be mandatory if a child comes into custody that it be serious neglect and the perp go on the list. (Right now just because children are taken into custody and the case goes to court, you do not have to ask the judge to adjudicate serious neglect.) Some discussion about this and Holly gave examples of people that might have a child taken into custody because of lack of skills and abilities (unintentional and non-malicious) to care for child, but would be perfectly ok to be a janitor in a day care (or school when it gets expanded.) Basically the state does not want to mandate anything more than the legislation requires, at least not at this time, so it will remain a county decision.

10) Took a look at the list after a few months.

As of September 12th there were 512 names, reported by 85 counties. 154 for abuse, 238 are for serious neglect, 121 for abuse and neglect.. 12 appeals to the Director, 2 of them have been expunged by the director. One case is at the court level of appeal – it has been heard and the judge is in his 30 day window to make a decision.

- Counties asked if we could tell when which cases of theirs were on there so they could do internal research to see what they were counting as serious, if there were trends, etc.
- There is a small county that has as many names on the list as Guilford. This is odd. Please be careful and aware of what you are doing when you put people on the list.

Foster Care Funding/Relative Care

- Mecklenburg brought this issue so they talked about what their issues were.

They looked at number of homes that were in unlicensed kinship care (about 30% of their kids in care). Looked at how you balance family centered practice and what is best for children with liability and funding issues. Have looked at all those homes, some can be licensed and they have started that process and there is funding that you can use while they are in the licensing process but do not have it yet. But what do you do with the homes that do not want to, or cannot be licensed? Some placements were intended as a short term safety resources and they have just turned into a long term placement. Have developed an in depth tool for home assessments. Proposing that initially children go into a foster care placement when they are removed,

because that way they are safe where they are placed. After that, and while they are sure the child is safe, they will begin exploring kinship possibilities. This buys you some time to do a more in depth assessment of the relative placements. Not sure what to do if the kinship placement says that no matter what they do not ever want to be licensed. They now have the conversation at the beginning with the relatives about would they be willing to adopt if that became necessary. Because the process is not so rushed, the initial heated emotions have also settled down substantially.

- However, they recognize that placing kids with strangers initially even if they go to a relative in a couple of days, is not the most family friendly procedure. (On the flip side, it is risky to place with relatives in a situation where emotions are high and the relative situation cannot be fully and completely assessed. They may say they will do it, but there are reasons that it would not be the best situation for the child.
- Flip side of that – you are never 100% sure and confident with a foster home. Especially some of them. Think of how many licenses we pull!
- Big dilemma (right now) in Mecklenburg – safety resource should be no more than 72 hours with a relative, and then you file custody. How does this fit with family centered practice and values? This is a huge cultural change with their staff.
- We have had discussion (recently in the east) about what to do about families who don't want to be licensed. It is not family friendly to force them although you can suggest it. Families should not have to be licensed to care for their own families.
- Guilford has also looked at this situation and most of the families were willing to be licensed. Only a couple were not, and in the situation where the children were already in those homes, they have left them there.
- Often DSS staff do not do a good job of “selling” the families on what licensing would do for them. (particularly the financial aspects.)
- Families are more willing to be licensed than to adopt because they don't want to be seen as ‘taking’ the child from their relatives.
- DSS needs to share up front that we have an obligation for permanence and we need to share the DSS definition of permanence with the family. If they aren't willing to ‘take’ the child from their sister, then DSS may have to look at taking that child away from their whole family and placing them in a foster care situation.
- Be very careful to examine how you are presenting information.
- Mecklenburg has also let them know about custody vs guardianship. Also, that a couple of years down the road they can revisit it (although acknowledge that this is difficult if not impossible for many of the kinship care providers that we are dealing with).
- How do you balance the fact that there is no money to financially assist the relatives in relative placement without licensing but want to be family centered and place kids with people that they know. There are so many different requirements with being family centered, permanency, and safety for children, that there are so many different regulations that many times it is impossible to blend them all to do what would be in the best interest for the child.
- Holly said this is a good example of what MRS is about. There is not one overall unyielding protocol that will apply equally to everyone. Have to look

- at families individually on a case by case basis. For example, some other counties in the room said that if a relative who was interested in taking custody had criminal charges against them, but it was a long time ago, and they had been completely clean since then, the Director might be able to make the determination that the person could be given custody (obviously depending on what the charges were and how long ago it was.)
- Be sure that you are not holding families to your personal standards. They may be poor, but poor people raise families all the time that never come into the custody of DSS. (But there are certain minimum standards that they must meet.)
 - Tom from the Foster Care unit had some funding suggestions. (For what those were or specific things you may be able to do in your county or your situation, please contact Tom.)
 - There is a new funding manual on line.
 - Make appropriate use of trial home visits and after care (feds will allow you to claim administrative cost reimbursement.) Trial home visits can last up to 6 months or longer if it is in the court order. Remember that if a child is in either of those two situations, the child is considered a candidate for foster care placement.
 - NC Legislature did allocate some money to offset the fact that counties can't draw down IVE money anymore. County Director group working on how to disburse this money. This would cover admin costs when children were placed with non licensed relatives. Not sure of any more details, but after Directors finish discussion, there will be some kind of communication on this coming out.
 - Talked about a lot of individual cases that were county specific. There was lively discussion the result of which was that each county has their own totally different standards and protocols, just like with everything else. Make sure that you are aware of the various funding streams available and the requirements that go along with each of them.

General Questions/Comments/Future Meetings

- Alexa Jordan from Alamance, who has been with us since MRS started will be retiring! We will miss her.

MRS Monthly Meetings

- Central Meeting - October 31st Davidson Co Community College (Mendenhall 226)
- Western Meeting - October 30th Buncombe Co St. John's Episcopal Church
- Eastern Meeting – October 20th Onslow Co
- Central Meeting - November 17th Randolph Co
- Western Meeting – November 28th Buncombe Co St. John's Episcopal Church
- Eastern Meeting - November 30th Washington Co

Policy Trainings

- October 5th - MRS Policy Iredell Co
- November 29th – MRS Policy Pitt Co
- December 7th – MRS Policy Onslow Co